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OF

HON. JOHN W. CHANLER,

OF NEW YORK,

ON THE

PROPOSITION TO AMEND THE ENROLLMENT ACT,

DELIVERED

IN THE HOUSE OF REPRESENTATIVES, ON WEDNESDAY AND
THURSDAY, FEBRUARY 22 AND 23, 1865.



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SPEECH.

FEB. 22, 1865.

The House had under consideration House bill No. 678, to amend the act entitled "An act further to regulate and provide for the enrolling and calling out the national forces, and for other purposes," approved July 4, 1864, and the other acts relating to enrollment and draft.

Mr. SCHENCK. The time for the consideration of this bill is now necessarily limited by the approach of the close of the session; and yet so great is the desire of the committee which I represent, and my own desire, that this bill shall have a proper consideration, with the opportunity to amend and modify it in the various features it presents to the House, that I will make a proposition to the House which will perhaps tend to accomplish that object, and satisfy gentlemen all around. If I cannot be gratified in this, I shall be compelled to attempt to carry the bill through, under the stringent rules of the House, by the use of the previous question, which I by no means desire to resort to.

I propose to ask the unanimous consent of the House that this bill shall be considered by the House as in Committee of the Whole on the state of the Union, with the privilege of ten minutes' debate upon the various clauses of the bill; that the bill be taken up and read as an entire bill—and it is not long—with the amendments now incorporated in it as reported from the Committee on Military Affairs, and discuss it clause by clause.

Mr. CHANLER. I must object to any such arrangement.

Mr. HOLMAN. I hope there will be no objection.

Mr. CHANLER. By request of my friends I withdraw my objection.

There being no further objection, the proposition of Mr. SCHENCK was agreed to.

Mr. STEVENS. Mr. Speaker, I rise to oppose the amendment of the gentleman from Wisconsin, [Mr. SLOAN.] I do so because I am opposed to amending the section at all. I believe that it will, if adopted, operate very injuriously. I think that any further and more

stringent legislation with respect to enrollment is unnecessary, and will render the law very unpopular. I have never heard of any difficulty in regard to enrollments. The difficulty, as I have understood, is that after men are enrolled they escape. It is not that they are not enrolled.

In my view no change of the law on this subject is necessary. The law which we now have is sufficiently stringent. If the people are allowed to go on as they are doing they will fill up the Army as fast as required. If this section be enacted it will, I believe, be very odious. A subsequent section, the third or the fourth, is, in my judgment, still worse. The whole bill is more tyrannical than any military system ever adopted by Austria; and I trust, therefore, that it will be rejected.

Mr. CHANLER. Mr. Speaker, I move to amend the amendment by inserting before the word "avoid," the word "willfully."

I agree with the gentleman from Pennsylvania [Mr. STEVENS] in regard to the character of this bill. It was my intention to urge upon the House the very point which he has suggested, and for that purpose I had prepared what I deemed a suitable argument on the subject. But when, on the motion of the chairman of the Committee on Military Affairs, debate was restricted to ten minutes, that of course precluded the possibility of my arguing the question as I desired. I do not believe that, under this limitation of debate, the real character of this bill can be adequately exposed. It is a bill whose provisions touch most nearly the social and military relations of every citizen in the United States. This very amendment brings that fact to the attention of the House. You cannot consider the subject of willful avoidance of the provisions of such a bill as this without entering into all the questions which arise under the power given to the Government officials to execute such a law. It is utterly impossible that the rights and liberties of the citizen can be secured to him so long as he is held amenable, by laws such as

this, to an authority outside of the civil courts, so long as he is subjected to the arbitrary power of tribunals established for the purpose of carrying out a system utterly hostile to the institutions of this country—military tribunals, before which the rights of no man are safe.

I believe that the pending section should be stricken out. I believe that the whole bill is radically and irreparably wrong. I believe it to be the duty of the Committee on Military Affairs to report a bill free from provisions of this despotic character, and embracing two or three simple provisions for securing a correct enrollment and preventing desertion. They are now undertaking, by this bill, to establish a system which cannot but end in the destruction of all order in the Army, and eventually bring about popular outbreaks and insurrections. I believe that it will weaken the national arms and tend to deplete the national treasury; that it will be ineffectual in regard to the object proposed, as well as highly expensive to the local governments. I believe it to be a bill utterly hostile to every principle of a free representative government. I believe that it can be proven to be so. I believe that the results thus far prove it. I believe it to be a bill that the records of every provost marshal will show has filled our quotas on paper and has not sent fit men to the Army. The lunatic asylum and the jail have been robbed to fill those quotas.

It is a well-known fact that from this system have arisen the very evils that this bill attempts to remedy, substitute brokerage, bounty swindling, and bounty jumping. A new guild has been created by the system of enrollment and fastened perpetually upon the people of this country.

Sir, this bill and the nature of this bill have become ingrafted upon the military system of the United States. And in order to meet this measure as it deserves, the whole question should include an examination—and the whole matter requires that examination and scrutiny—into its effect upon the military organization of the United States. I am convinced that it will be found to have been injurious in every military department. I believe that it will be found on examination to have done more to cut off the sympathy between the Government and people of the United States than any other measure which has passed this Congress since the rebellion.

With regard to this special amendment, I have to say that it will add another feature to the already innumerable contortions of justice which have been fastened upon the tribunals of the country by the enrollment acts already passed. For the purpose of correcting a special evil acknowledged in the body of the bill, even the right of trial by jury is done away with, and the people are forced to submit to a

military tribunal for the adjustment of private rights. You cannot by any system, by any fair opinion of the law of the country, insist on this law. Do as you may, the sympathies of the people are against it. The spirit of your institutions is against it.

[Here the hammer fell.]

Mr. SCHENCK. Mr. Speaker, the amendment proposed by the gentleman from New York [Mr. CHANLER] is argued, as I supposed it would be, not on the merit of the particular amendment, but on the ground of hostility to the whole section. He is opposed not only to the first section, but to the whole bill; and not only to the whole bill, but to any system which provides for bringing soldiers into the field. I am not, like my colleague on the committee from Illinois, [Mr. FARNSWORTH], disposed to stop debate at the very outset, for I think this debate, in some respects, is wholesome. I think at the threshold of discussion on the subject this House should indicate its purpose to sustain or not the Military Committee in an attempt to make a law to procure men by increasing the stringency of the power of enrollment.

I was prepared to expect opposition to this section of the bill, and to the whole bill, and to the whole system, and I was prepared to expect it from the gentleman from Pennsylvania, [Mr. STEVENS], who last addressed the House, and from the gentleman from New York, [Mr. CHANLER.] I heard each of the speeches made by these gentlemen last session, when this measure was before the House. The tyrannical course pursued in the draft was then argued at full length by the gentleman from New York, and the bill was then characterized as worse than anything ever done in Austria. I remember the figure. I recollect more than that. I recollect that the gentleman from Pennsylvania [Mr. STEVENS] predicted that if we passed a law repealing the commutation clause, and providing, as we did ultimately, for enforcing the draft with a little more stringency to procure men to fill the depleted ranks of our army, it would result in resistance and bloodshed. I was then, as now, assured that the gentleman was not likely to prove a true prophet, and what was not a true prophecy then has not become history since. I said then that I had no fear of the people, and I repeat it. I said then, so far from producing riot, confusion, and disorder, that when the people came to understand what their Representatives had done in their endeavor to fill up the thinned ranks of the army, they would sustain them. And I ask every gentleman to bear me out in the assertion that never did a draft go on more quietly, and never were the ranks of the army, to the extent that the draft could do it, so filled up as they were, saving the campaign of last year, under that very bill so denounced by the gentleman from New York,

[Mr. CHANLER,] and the gentleman from Pennsylvania, [Mr. STEVENS.] I say now, at the very threshold of this consideration of this subject, that my thorough conviction is, so far as my own personal observation is concerned in regard to this matter, that the people are ahead of Congress, and the soldiers far ahead of either. Your soldiers call upon you to make your laws stringent; they call upon you from the field to fill up the ranks; they say there must be no skulking; they say that all persons liable to be enrolled must be enrolled; that persons liable to be drafted should be drafted; and that it is unfair that they alone should bear the burdens and be placed in the front of battle while others are shirking from taking their fair share. And the people are not far behind the soldiers in this matter. I have yet to learn that any man upon either floor of Congress is unlikely to be sustained by an intelligent constituency anywhere throughout the land for an attempt to pass efficient laws in order to fill up the ranks of the army, to enable us to put down this accursed and damnable rebellion.

Now, sir, this section opens fairly that discussion, and I expected gentlemen to take position upon the one side or the other. This section is not that oppressive and tyrannical section which it is supposed to be. If the gentleman from New York [Mr. CHANLER] thinks that in any of its features it is too harsh, let him offer amendments: but so far, his opposition is to the whole section; and I insist upon it that that opposition only means, as he and the gentleman from Pennsylvania [Mr. STEVENS] frankly avow, opposition to the whole bill and the whole system. It is for the House to determine whether these gentlemen shall be allowed, in their hostility to the whole scheme of filling up our armies by a system of drafting at all, to accomplish that by defeating this section of the bill.

I have no objection, so far as the penalty is concerned, that gentlemen should modify the language, so that they leave some substantial means provided in the law for enforcing its provisions. I have no objection to having this number of days of imprisonment reduced, say from thirty to twenty, and perhaps ten; but twenty days would perhaps be the proper medium. But some penalty, some provision, something to compel a more perfect and complete and full enrollment of the citizens liable to draft, and to hold them to their duty to report themselves, and not skulk away, I believe essentially necessary as one of the features of a bill which is to be an improvement on the present enrollment law.

Mr. CHANLER. I withdraw my amendment to the amendment, and move another amendment by inserting the word "intentionally." My views upon this subject are certainly well known. They have been boldly

expressed both here and elsewhere; and the difference between the gentleman from Ohio, the chairman of the Committee on Military Affairs, and myself, is exactly this—

Mr. FARNSWORTH. As the opinions of the gentleman from New York are so well known, both here and elsewhere, I suggest there is no necessity for repeating them.

Mr. CHANLER. And the courtesy of the gentleman from Illinois is so well known that this impertinency is entirely unnecessary.

In regard to the position of the chairman of the Committee on Military Affairs and of myself, the issue between us is exactly defined: I am in favor of increasing the Army; so is he. We only differ as to the method. I oppose this bill because I think it is not an effectual means of raising troops; he advocates it because he thinks it is. We agree upon the fact that the enrollment of the citizens may be necessary; but we differ as to the means of forcing men into the ranks; and we will differ very widely as to the character of substitutes which we will permit into the American armies. It is because of bills brought forward by that gentleman upon this floor that the American Army has been made the asylum of drunkards and lunatics. It is because it has failed as a means of enrolling and calling out the national forces in a time like this that I oppose this bill. The system has become simply a process of bounty jumping and bounty swindling throughout the country. It demands more than the ingenuity even of the chairman of the Committee on Military Affairs to prevent these creatures from battenning upon their fellow-citizens. And yet the gentleman proposes to place this matter in the hands of the men whom I wish to oppose here, because they have exercised the powers conceded to them tyrannically. I believe that the class of men who have been appointed as provost marshals throughout this country, with many exceptions perhaps, but as a general rule, have been the subservient tools of the Secretary of War.

I believe that the system of centralized military power organized under this bill would sap the foundations of our Government. I believe that every effort to remedy it would but perpetuate the evil and the error inherent in this bill and the system it establishes. I make no factious opposition here. I court nothing but an open debate and consideration of this subject; and it seems to me that the chairman of the Military Committee, knowing and anticipating the position of the able chairman of the Committee of Ways and Means, has rather dodged a full debate. I recognize, sir, the apology which he made for limiting debate to ten minutes; but it was done with a perfect knowledge on his part of the advantage of his position under such an arrangement.

Sir, a bill of this character, involving as it does the depth and breadth of American liberty

and individual rights of every American citizen, cannot be discussed section by section without the extraordinary acumen possessed by the chairman of the Committee on Military Affairs who framed the bill, and whose knowledge of tactics has been heretofore manifested in his management of troops in the field. There is a class of distinguished soldiers who have left the field of glory for the cupola of safety, and who now make it a matter of boast that they are no longer soldiers. [Cries of "Name!" "Name!"] Sir, we might have hoped that men of this class, who have carried the rank and file of our army into points of danger, would have better appreciated their position before the country when victory is crowning those who follow after them, and when the cannon is baying forth the victory of the soldiers they once led.

Sir, the crying evil of this whole system is based upon the very fact which has been alluded to in this debate; it is owing to the system inaugurated by the partisan leaders of this Administration, which commissions as brigadiers men who are utterly ignorant of military science and even unschooled in the knowledge of militia training, and who lead their fellow-citizens to speedy death, to the dishonor of their country.

The proper and available means of filling the ranks have been neglected, and unfit and incapable officers have been allowed to act in responsible positions. The confidence of the soldier in his superior and of the citizen in his Government have been lost by the reckless practices and partisan policy of the republican leaders. We have but to take the record of the promotions to high commands from the beginning of the war to the present. It is not my object to assail individuals. The system is at fault. Let the system bear witness against those who abuse it if it be good, or let the system be improved if the fault lie at its door. Do not perpetuate error and evil in face of the terrible array of consequences known to every one who reads.

A clear and good example of the evils of the policy of the Administration exists in the bad results produced by catering to the ambition and kindred virtues peculiar to the political swashbucklers, Bobadils, Falstaffs, Rardolphins, Nymms, and ancient Pistols; who trafficked in the military favor and prejudices of the people to secure for themselves the rank of brigadier, armed and equipped as the law directs, ignorant of tactics, swelled with the afflatus that rises in the rear "of the pomp and circumstance of glorious war." The brigadier volunteers in embryo, raised, zealously and well, no doubt, regiment upon regiment, which they offered to the Administration in exchange for a commission for themselves. Some, but not all of these, were generals and colonels in buckram, and never led their men

into battle; others did lead their commands to distinction and extinction; or wasted the military resources of the country in vain, crazy attempts to become heroes. Many of those have happily relinquished the sword for the gown, the pen, the plowshare, and politics. They have left the Army for the Army's good, to the true soldiers who learned their duty in the field or rose from the ranks. The influence of such men has been injurious to the service, not only among the officers, but among the men, and has been one of the prime causes of a lack of zeal among the people to enter the Army under the different calls for troops.

Let the regular establishment be filled up to its standard before this cruel system of draft is again and again resorted to. The people look with horror at its injustice. It paralyzes the energies of our mechanical, agricultural, and commercial industry, and almost depopulates certain districts of their male inhabitants.

Mr. SCHENCK. I wished merely to call attention to the difference in persons.

Now, Mr. Speaker, I have offered this amendment with the view of perfecting the bill. I find that the position of the gentleman from New Jersey, [Mr. ROGERS,] like that of other gentlemen, including the gentleman from New York, [Mr. CHANLER,] is one of general hostility to the bill. The arguments presented are directed against the whole system.

As to any disposition on my part to preclude proper discussion of this matter, the House will bear me witness that I have invited candid and thorough discussion, such as our limited time will allow. I have not been disposed to hurry this bill through without allowing the views of members to be heard. I appeal to the House in testimony of the fairness with which I have acted.

As to the speech of the gentleman from New York [Mr. CHANLER]—that "soldier of the Republic," who, forgetting his chivalry, attacks another humble "soldier of the Republic"—I admit that I well understood that he had prepared a speech of an hour's length, for he so admonished the House; but I did think that it would be easier for us to take it in small doses, and that we might in that way recover sooner from the infliction. Hence I found it rather an argument in favor of the ten minutes' rule that, under it, that speech would be given to us in six successive charges. [Laughter.]

Mr. CHANLER. I congratulate the gentleman on the working of the first dose. It seems to have operated very well.

Mr. SCHENCK. Not much, sir.

Mr. CHANLER. I shall supply the gentleman with a repetition of the same dose.

Mr. SCHENCK. Having left the tented field to come to the "cupola of safety," I hope to be defended hereafter by my friends, if I am incapable of taking care of myself, from any

further attacks of this nature. I did not expect to get quite so high from any help the gentleman might give me. [Laughter.]

Mr. BLAINE. In order to meet objections made the other day to my amendment, I desire to modify it that it may meet general acceptance. I modify the amendment so that it shall read :

Provided, That in any call for troops, no county, town, township, ward, precinct, or election district, shall have credit except for men actually furnished on said call or a preceding call by said county, town, township, ward, precinct, or election district, and mustered into the military or naval service on the quota thereof.

Mr. CHANLER. This, as I understand it, is an amendment to the second section, which relates to the question of quotas. Now, I wish to draw the attention of the House to that matter, and to the existing confusion which is consequent upon it in every district in the country. The whole military system has been thrown into confusion by the way those quotas have been distributed, and it is a question whether the trouble which will follow this effort may not be ruinous and fatal to the military organization of the country. There have been here from different sections of the country legislative committees seeking for a fair adjustment of these quotas. The matter is in a perfect snarl, and the Provost Marshal General seems to be in a muddle, and a fair adjustment of the draft is impossible under the existing system. From time to time I have endeavored to secure, through the action of this House, full and satisfactory information relative to the assignment of these quotas and the basis upon which they are made, but I have been unable to accomplish my purpose.

Now, sir, I am opposed to having any amendment made here in ignorance and without sufficient and full information before this body. I have no doubt that the gentleman who has charge of this bill is perfectly sincere and honest in his efforts. I do not impute to him or to any other member who is acting in defence of this bill, or to those who, in an official capacity, are trying to carry out the law of Congress, anything but fair motives. My object is not, as some gentlemen would have the House believe, to oppose this bill on all occasions. I am opposed to the bill, but I am ready to modify my action upon full and just information given by the Department, so that we can act understandingly.

This section should be amended so as to meet two difficulties which arise under it. The parties having no residence are, as I understand it, aliens or freedmen. Now, sir, there exists in the Army to day a great source of weakness, and a great depreciation of the value and dignity of your soldiers. By the introduction of aliens into the Army you have depreciated the value of your volunteers. And then you degrade the American soldier by placing him side by side with the slave just set free, men

without historical association, and up to that time without rights. Now, sir, I maintain that such a policy is bad, and that this section is inherently bad from that stand-point.

A substitute is a luxury for the rich. The draft must fall, like death and taxation, at last on the poor man. By the enrollment act we have called out a gigantic standing Army ; but for some cause, only known at the War Office, if even known there, it has never been consolidated and organized into a thorough and harmonious force. We have made "I will" wait upon "I would." We have delayed so long and changed so often that improvement of this law seems impossible. The Administration raised troops and money too easily to stop and think on consequences. As if not content with the evils we had, our discreet rulers flew to those they knew not of. We bought and bribed the slave from his master and turned him into a military machine, commanded by officers holding commissions directly from the President, and then we put these colored troops by that course next in rank to the regulars, reducing the white volunteer force to a third rank, and the doomed conscripts to a fourth rank in the service. We raised the negro to an equality with the white by statute, but put the white below the negro in arms. It was degradation to the white race to put arms into the hands of the negro, but it is putting the ruling race beneath degradation to subordinate them to the black freedman. The result has become apparent in the difficulty of filling the quotas, when the regular Army recruiting officer comes in competition with the volunteer recruiting committee. The enlistments are more in favor of the regular Army recruiting offices and the colored troops, notwithstanding the smaller bounty offered by the Government. The white substitute is being driven from the Army by the lower-priced negro, invited to take his place in the van in the onward march to glory.

Thus far the effect has only been seen in the volunteer force. But if this war continues much longer, and the black man is the hero some members claim that he is, the same result must eventually follow in the regular Army. The rapid changes of revolution, the demand for labor, the scarcity of money, or rather the excessive expansion of the currency, the demand for troops to supply the waste of war and disease, the cheapness of the black compared with the white soldier, must tend to increase the enlistment of colored troops, and finally will force this Administration or its successors to hold its own at the back of an Army of freedmen. The standing Army will then, indeed, be compact and serviceable for the most despotic uses. Servile in its nature, it will become the ready tool of tyranny as soon as the future military dictator, for whom all these things seem to have been prepared, shall

summon the people of this Union to surrender to his genius and his arms.

Further than this, owing to the same causes just enumerated, suppose the Army be recruited, not from the negro, but from the foreign substitute just landed on our shores, brave, hardy, full of adventure, with the world before him, and no cares or kin to check his onward course of fearless enterprise. How long will he remain a mere soldier in our ranks? What does he know of or care for the Constitution, or the time-honored institutions of any State, or of the Union? He will exclaim, "The world is my field and its wealth my prize."

In a collision with Europe, should such occur, having driven the American citizen from our Army by underbidding him, having cut off all sympathy of the great mass of the people with this Government by trampling on their most sacred and most cherished rights, how do you calculate to again arouse the volunteer spirit in the nation? We have insulted a free and courageous people by this conscription. We reduce the volunteer to a mercenary by the bounty. We have depreciated the alien mercenary by enrolling the slave, and the slave has degraded the career of the soldier. Such is the promise held out by our present policy for the future condition of the Army when the existing force of veterans is disbanded or destroyed.

Again the policy pursued invites either, first, a collision between the white and black races, with banishment or annihilation of the latter; or, second, a surrender of the bayonet to the black man while the white race holds the sword. This experiment has been tried by England in India, we know with what fearful consequences. It has been practically the system in Mexico until the Spanish creoles were all officers, and the private soldiers of a feeble, mixed race, forming an army weak in time of war, and turbulent and mercenary in time of peace. The bayonets and artillery of France, wielded by Frenchmen, commanded by Frenchmen, will soon fix the fate of that military organization.

The tendency of the policy of putting one race over another is to make the officer despise his men and the men hate their officers. Bonaparte crushed the power of the old French nobility in the armies of France at a single blow when he declared that every soldier of the great nation carried the baton of a marshal of France in his knapsack. Can we bestow such a boon on the private soldiers in our armies as now constituted? Have you not, in fact, established a military aristocracy in the heart of our Army. We exclude the black recruit from the honors of his career, and declare he shall die that another may attain them. Sir, the policy of the Administration is logically driving the Army to discord and revolt. The party in power must take one horn of the dilemma

their conduct creates, and commission our black soldiers as officers, or they must follow the consequences of the opposite, and while declaring all men free and equal, and uttering promises of freedom to the negro slave, they must hold him in the more miserable plight of an armed serf, doomed to the toil of battle, the sufferings and sickness which a soldier's life entails, and finally to die in military shackles, the victim of a hope raised by a false fanaticism for a political advantage, created by this Administration to avoid the dangers it forces him to meet in its defence.

I am opposed to the establishment of black military serfs in American armies. I am opposed to the degradation of our white soldier by the policy of this Administration. I am opposed to promoting the black freedman, however brave he may be, to the rank of an officer in the United States Army.

But there is a project on foot in that direction, and finally must succeed if the present policy continues, and the Republican party remains in power. European Governments may do this thing with impunity, because an aristocracy, social, legal, and supreme, controls all the avenues to power, rank, and honor. In my opinion, if the negro is admitted as a soldier into our armies, he will be subdued by the superior race and become the base of a military aristocracy in fact if not in law; and the same result that followed slavery in the South will be seen wherever the negro is introduced as a prevailing and permanent element of society, namely, a white aristocracy of superior caste, rising on the shoulders of the negro to the mastery of the poor whites around them. It is fixed in the law of race, and is immutable. I have no fear for the superior race, I only fear lest the liberties of the people may be subverted by a military aristocracy or an aristocracy of caste. The conflict is upon us, and we must meet it openly and frankly. And in the same spirit of frankness it must be admitted that had the Administration adhered to the practice established in the Constitution, of leaving the manner of raising quotas to the States themselves, then no collision as to the relative claims or rights of soldiers of the United States would have arisen. Each State would have regulated that for itself. The conflict of races would have been kept from our national Congress, and the agitation of the public mind by so absorbing and deep a subject have remained locked up in the precincts of the several States, like fire, or steam, or gunpowder, controlled, useful and beneficial.

A new danger seems to hang over us in the gathering storm of foreign war. It may be far off, or at this moment a secret council of the crowned heads of Europe may be partitioning this Union among themselves or their assigns, as they did once for unhappy Poland; as they have just done for subjugated Mexico, and the

republic of St. Domingo. The course of France, Spain, and England in regard to those distracted and betrayed republics has roused our people and this House to an attitude of watchful defiance. The Monroe doctrine in its first and highest sense has been reasserted here and accepted by the whole country as a pledge of our future policy. We have declared that no monarchy can be established and upheld here with our consent. Under such circumstances, with our knowledge of the facility with which the negro is induced, by flattering promises, to desert his home and the associations of his life, is it not well to be guarded in the trust we put in him after our failure to fulfil the fond hope of his ignorant nature, and our selfish use of his race? With Europe, rich in the resources of war and diplomacy, with everything to gain by tampering with and protecting the black race as an element of discord in our midst, we may find ourselves in the relation to our freedmen that the rebel States now hold to us in the treatment of their slaves, with this disadvantage to the United States, that we have armed the slave and trained him to a freedom which he will never relinquish, while the unarmed slaves of the South dare not turn upon their masters in arms. The Administration, by the conscription, seems likely to force the white laboring classes out of the Army to give place to an element which would prove hostile in foreign war to the very system which liberated and armed them.

But there is another point of view I would present in this connection. If the conscription has been a failure in the war against the rebels, what have we to hope from it in conflict with Europe? Substitutes fresh from the Old World may or may not become mercenary. They might be true to our flag, which they never saw until enlisted, through all the fortunes of war; or they might, after a protracted contest, take our cause into their own hands and go over to the enemy; or, like their Vandal ancestors, put the price of the Republic in a scale and kick the beam; or, like the Huns, treat first with the enemies of the Republic, and coolly betray the cause they rushed so wildly to defend. As the representative of a large foreign population, I can testify, did the history of the war not make it useless, to the love the adopted citizen bears to our common country, to our free institutions, and to her flag. But every battle-field is a glorious witness to their zeal, bravery, and patriotism. I deem our cause safe in such hands; but the high bounty and the general system introduced by the enrollment act tend to drive all our citizens, native and foreign-born, from the service, and have caused to be imported direct from abroad an alien and perhaps dangerous population, in every degree different from the immigrant who formerly brought the simple

virtues and sterling habits of the laboring classes of the Old World from the field, the workshop, and the mine.

Mr. BLAINE. I move, *pro forma*, to strike out the last word of the amendment. I wish to say to the gentleman from New York that I do not understand him as opposing my amendment. He has not spoken in reference to it at all.

Mr. CHANLER. I spoke to the section.

Mr. SCHENCK. Mr. Speaker, to remove the objection made by the gentleman from New York, [Mr. CHANLER,] I move to amend the second section by inserting after the word "residence" the words "within the United States;" so that it will read, "if such persons have an actual residence within the United States."

The amendment was agreed to.

Mr. CHANLER. Mr. Speaker, I will join most cordially in every effort which the chairman of the Committee on Military Affairs may make to do away with this system of bounty-jumping and substitute brokerage. There has never been in the history of this or any other country a more corrupt or detestable organization of men than those who centre around the recruiting offices under the name of substitute brokers. And this circumstance furnishes a peculiar illustration of the argument which I have heretofore urged and will continue to urge against the whole system of drafting. Commend it as you may, "the trail of the serpent" is over it still. It is corrupting the army and demoralizing the whole country.

All the evils resulting from this law seem to grow and look more dangerous in presence of the power which it confers upon the Executive. There is not a stronger government extant than this. It is useless and unnecessary to discuss the course which leads to the grant of powers to the President. The bald fact shines out on every page of our annals during this rebellion. No czar, emperor, king, or potentate, has a greater revenue, troops organized in larger armies, or more extensive navies, than those which obey the undisputed will of the President of the United States at this moment. Billions of money fill his coffers; millions of slaves, just set free or soon to be, bow in servile admiration of his august name. Millions of free men depend on his will for life, liberty, and happiness; and his will is law. No constitutional check holds him, as it once did his predecessors, in wholesome subordination. His friends, his creatures, and his liberated slaves watch his eye for the motive to their every act—subservient, devoted, or mercenary. Politician, soldier, or citizen—all willingly look, or are forced to look, to him as the source of power in this Government—for one will rules here. His courtly press calls him sovereign, and chronicles his every deed

as of royal import. We carry Cæsar and his fortunes. The nation is a representative democracy; its capitol is a monarchy; perhaps some may prefer to call it a republic. A distinction without a difference—tyranny under a sacred name. Venice was a republic—powerful, victorious, and great. Her executive a doge, who ruled by a secret council of ten for life. Our Executive rules by the secret council of his Cabinet for a limited term. England under Cromwell was a republic; but we would search in vain for representative liberty during the usurpation of the Protector.

Have we not reason to pause here, before conferring new powers, or at least to consider the wisdom of revoking, at this time, some of the unlimited powers already conferred by this military system upon the Executive? Have we not good reason to apprehend that, at some not very remote period in this struggle, our cause may be sacrificed on the altar of personal ambition? We have made the prize so great, the power so vast, the task so easy, to such as dare "wade through slaughter to a throne," that prudence, if not patriotism, should check our headlong course of hasty legislation, in adding to or continuing the power of the sword and purse, in the grasp of one man, to our own humiliation, and perhaps our destruction. If we can boast of a mimic little Cromwell, "guiltless of his country's blood," who has led our puritan hosts to doughty deeds, how long are we to await the coming of some silent and selfish General Monk?

There is a similitude in the facts and dangers which link the spirits of liberty and fanaticism now as they were linked in the days of the great Cromwell. May not the Puritans of to-day seize with reckless hands the mace which marks the presence of popular sovereignty in this Hall, and in the words of their archetype bid some soldier of fortune at their heels "Take away that bauble?" They have long since beheaded the Constitution. History repeats herself, and teaches by example; but nations are dull scholars, and fanatics are blind. Have they not already forced you to succumb to their dictation, and robbed you of some of the most honored and best established privileges of this body?

Does the Executive really need your aid to carry on this Government? I think not. He seems to have thought not when he pledged, after adjournment of the last Congress, the credit of the nation without law, and in defiance of the peculiar right of this House to initiate all money bills; and allow me to remind this House that it was in connection with the military power that the President committed that treasonable breach of law. Practically, the Executive is now independent of all legislative authority in this Government. Actually, the conscripts, the veterans, and colored troops are his own, and not the nation's, sol-

diers. He commissions their officers directly himself, or through his partisans. It is true the past career of the different Presidents of this Union give us little to fear from personal malevolence or desperate daring; but there is a political cunning which sometimes covers ambition with a comic mask, and serves as a shield behind which to shoot fatal shafts at the liberties of the people, the rights of the States, the spirit of the Constitution, and the existence of this Union. I will not presume to probe the motives of the Administration; we are asked to believe that they are good. The present Chief Magistrate may become as famous as any of the great founders of the Union he has sworn to protect. He may be as wise and brave as Washington; as bold and firm as Jackson; as upright and politic as Adams; as great and good as Madison; as continental and broadly national as Monroe; but his course has not yet developed fully the qualities which may promise such fame for himself, or such glory for his country, as cluster around the name of the humblest of his predecessors.

Now we may not praise him.

"*Et laudas nullos nisi mortuos poetas.*"

His labors are those of Hercules, but he is without claims as a hero. The Augean stable of the Treasury baulks his genius and paralyzes his nerve. His tasks are already so laborious that no human hand can perform them alone. And he is no demigod. He may be the instrument of the ruler of nations to scourge us to humility, but need we anticipate him by useless degradation and by abandonment of our duty, by adding to his powers at this time? Should we not rather seek now to limit them?

Sir, let us remember that we too are instruments to check the overbearing conduct of the Executive in the administration of this Government; that we are here to protect the people of this Union amid the confusion and conflict of this civil war, in the reasonable hope that in peace posterity may bless our names. And with the growing likelihood of peace diminishes the necessity of conscription. The people look to their Representatives as agents for good and not for evil, as swift messengers to bring glad tidings and avert the sorrows, if possible, which attend on nations as on men. The burdens of the people now are almost too heavy to be borne by even a self-governed nation. They look to us for prompt and effectual relief. I trust the time for the realization of their hope has come.

I move to amend the amendment by striking out the last words "and draft."

Mr. SCHENCK. I raise a point of order. I have moved to strike out certain words in this section. Is it in order to move as an amendment to my motion, to strike out a portion only of what I propose to strike out?

The SPEAKER. It is in the nature of

an amendment to an amendment, and is in order.

Mr. SCHENCK. Very well. I will only say that I think the gentleman from New York [Mr. CHANLER] has already made six ten-minute speeches, and he only threatened us with an hour's speech at first.

Mr. CHANLER. That is but another specimen of the small bullying which is characteristic of the gentleman from Ohio, [Mr. SCHENCK.] This effort on the part of that gentleman to cramp debate is evidently merely for the purpose of gratifying his own peculiar way of wriggling out of a difficulty, and shows remarkable ingenuity, perhaps, but very little moral courage.

This section is, probably, beyond all others, the most positive proof of the utter failure of this system as a means of enrolling and calling out the armies of the United States. Is there anything that could show a stronger conviction of the utter unwillingness of the American citizen to fight for the institutions of his country, and to die for the cause in which he has so often and so well fought, as to go forth throughout the length and breadth of the land to capture minors who are not yet citizens, not yet entitled, under the law of this country, to bear the burdens and discharge the duties of citizenship; men who, as has been shown by my colleague [Mr. KERNAN] and the gentleman from Pennsylvania, [Mr. JOHNSON,] owe allegiance elsewhere? By the system which you have inaugurated, you have, under the plea of "necessity," exhausted all the elements which should form a strong and patriotic Army. You have sought the slave as a substitute for the soldier. By degrading the position of the soldier you have failed to fill the armies by enlisting the citizens of the country. And it is now proposed to seize upon those who, from political necessity or the spirit of enterprise, have come from foreign lands to seek the shelter of our flag and Constitution, embracing the invitation which we ourselves have extended. This is a most effective way of writing down the American citizen as afraid to meet the dangers which surround his country at this epoch.

Let this Government rely upon the constitutional provisions for the raising of our armies and the calling out of the citizens by the States, and we shall need no such provisions as these. Let the Government rely upon the spirit of the people; let it rely upon the volunteers of the country. We have relied upon them heretofore. The armies in the field today embrace many veterans who rushed to the front to serve the country. The heroes of General Sherman's army are not the conscripts; they are not the emancipated slaves; they are not the aliens, whom gentlemen would hereafter draft to form into an army for the carrying out of tyrannical purposes. No, sir, the

victories won at the South are won by American citizens who have voluntarily, from motives of patriotism, gone into the service. They are not hirelings from every quarter of the globe, brought here by the captivating bounties which this system of draft has caused to be offered. They are not the miserable wretches who, having fled from slavery, have found a refuge beneath the flag of the United States because they wear the uniform of soldiers. No, sir, they are the men who have remained in the field, and, spite of trials and discomforts, have fought their way through to victory. They demand from us proper companions in the conflict. They demand from us a proper estimate of their services and their virtues. Let us no longer depreciate the American soldier to that contemptible standard to which all systems like the draft must reduce him. The Constitution of our country, the character of our people, the whole tenor of our institutions are in favor of that system by which the citizen brings his free-will offerings to the temple of liberty. Yet gentlemen in this House seek to pervert that principle and set at naught the Constitution by advocating measures like this.

Sir, the military necessity under which this system of draft began has ceased; but the necessities of trade still exist. Stop the trade of your generals in the field in cotton; prevent them from falling victims to the sweet influence of sugar; stop their yearnings to finger the glittering metal as it gleams upon them through the open door of a fire-proof safe; teach them that to covet is crime. Sir, rely upon the people. Rely upon the military character which they have shown in the past. You cannot get by importation better soldiers than the natives of your own soil. Do not go begging from country to country to fill up the ranks of American armies. Do not rely upon the "American citizen of African descent;" but rely upon the white citizen, the man whose hopes and aspirations are all wrapped up in the liberty and glory of his country and the maintenance of his flag.

I think this amendment is injudicious, and will not effect the object the gentleman has in view. I believe from the organization of the bureau having charge of this whole matter of enrollment, and from all the facts connected with this matter of quotas, it is utterly useless to endeavor to amend this section until we strike out all after the eighth line. By this section you give power to the Provost Marshal General to make such rules and give such instructions to the assistant provost marshals, the boards of enrollment, and mustering officers as shall be necessary for the faithful enforcement of the provisions of this section, to the end that fair and just credit shall be given to every section of the country. You surrender to that officer full power with regard to the adjustment of

this whole matter, in the face of existing evils, in the face of this disordered system in which confusion worse confounded glares through military bureaus like a monster of crime caged in an arsenal of deadly weapons, threatening to break his bonds and destroy his keeper and his prison. You surrender power through the Provost Marshal General to the Executive, whose authority is already too great, and is becoming dangerous.

Sir, in authorizing the Provost Marshal General to make such rules and regulations as he may see fit, we have no guaranty that those rules and regulations will be such as a proper sense of duty should induce this body to provide for. There is no section of the country which has not been harassed by the intolerable outrages committed by these bounty-swindlers, who are the natural offspring of this system of drafting. The Provost Marshal has thus far produced a great deal of confusion and misunderstanding. When the gentlemen of the Military Committee say that this system is as bad as the slave trade, I say yes, indeed it is the sum of all villainies. But the gentleman from Ohio, [Mr. GARFIELD,] a member of that Committee, says that, *co nomine*, he will not assail the bounty swindlers. Why not? Because he is afraid to interfere in this trade. He dare not assail this class of wealthy scoundrels whom he and his colleagues have called into being under this system of conscription. He and his friends, who have been howling about the horrors of slavery, and the abominations of that trade in human flesh, who have succeeded by such appeals in exciting this country to civil war, now refuse, in the face of an acknowledged evil created by themselves, to assail that evil by its name on this floor.

Sir, I am not astonished that the gentlemen on the Military Committee are desirous to give to the Provost Marshal General full power to make a fair adjustment of the credits of each district. They know that any adjustment which he may make cannot be a fair adjustment. They know that this conscription system teems with crime and bristles with horrid abuses. They know that for an honest man to undertake to regulate this matter of drafting is to mix himself with crime and brand himself with infamy. Since the conscription law became the basis of our military code, every citizen who could bought a substitute; every township vied with its neighbor in raising the price of blood, until the market for human beings became like the famous slave pens of which gentlemen on the other side talk so long and so loud. A new trade is springing up among us, with its ramifications reaching to the remote regions of northern and western Europe. Soon Asia, and perhaps Africa, may be honored by the emissaries of modern philanthropists on the other side of the House,

with an invitation to furnish substitutes to fill the quota of certain States, under the repeated calls for more men to carry out the indefinite policy of this administration. No man knows to-day whether we may not in a year from this be forced to import coolies from China, or a body guard from the sable army of the King of Dahomey; nor is it unreasonable to suppose, from our past conduct, that, so long as the carnage can be fatal to others than ourselves, we will care to stop its progress, or turn the policy of the administration back to the original sources of power fixed by the Constitution.

This whole scheme for raising an army seems not only the most tyrannical measure ever passed by the legislature of a free people, but it is abhorrent to any sentiment of justice and civilization. It cannot be urged under the specious plea of military necessity. Our armies are victorious. The rebellion is crushed, if not utterly overthrown. Peace must soon follow victory. Our victorious troops are now achieving the catastrophe which overtakes traitors in arms. The coming spring will bring with it the renewed vigor of our veterans in the field, and every regiment may be filled by a proper appeal to the patriotism of the people to fight for the cause of their country in the future as in the past; then as at the beginning of the war. But this new call is a threat, a scandal, and an injustice. It puts a new and keener edge upon the bloodhound instincts of the bounty swindler, raises the price of human flesh in the shambles of our military bureau, and brands a zealous and brave people with insult and ignominy. If our forces need replenishing, use the legitimate means furnished by the Constitution. Rely on the States for support. If the national existence is threatened, call out the whole white male population without distinction, between the proper and usual military ages fixed by custom and experience. But do not confirm, by a continuation of this law, the dangerous, unnecessary, unconstitutional precedent which hangs about the neck of this bill, and would, but for the strong arm of the Executive, and the audacity of his Cabinet, strangle it in this or any other Congress of a free people.

The bounty is a medium for filling the ranks with lunatics, convicted criminals, and drunken dupes, who no one but he who escapes conscription by their aid will deny make turbulent and bad soldiers. The madhouse and the jail are filched to save sane and capable citizens from a positive duty. The strictest law to prevent enlisting unfit persons cannot remedy the evil. Evasion of such hard, and unfair, and narrow enactments as conscription in this country is connived at and encouraged by popular opinion; and until the violator of the law be "actually in the land or naval forces, or in the militia when in actual service in time

of war or public danger," there is no constitutional power which can deprive him of a trial by jury, the consequences of which may easily be foreseen, namely, he would be almost certain to escape final conviction by the local civil courts; or the whole country must be put under martial law by the enlarged powers of a military commission created for these special evils and to correct a wrong inseparable from the draft and bounty.

The bounty system as now established is the means of filling quotas of States on paper, but does not fill the Army with soldiers; and induces men to desert, to re-enlist for a new bounty. Veterans, the main stay of every army, are seduced from their old regiments to enlist in those being newly organized. The organization of the Army is thereby impaired. It offers a premium to vagabonds and thieves to sell themselves as substitutes to the substitute broker, enlist and demoralize the character of the Army.

Great injustice is done to certain States by the bounty offered through local and State bounties. The less wealthy State, being thereby deprived of her legitimate means of filling her quota by substitutes, is finally compelled to resort to a draft, while her rich neighbor saves her citizens from that scourge at the expense of a few dollars, and recruits her regiments with men not her citizens. The bounty system permits the citizens to evade military duty, one of the most important that rests upon him, while it creates a mercenary army and puts the existence of the Union in jeopardy. To enforce the draft in each congressional district, the right of trial by jury must be superseded by a military commission, which is a most dangerous precedent, if not utterly unconstitutional. It produces a conflict between the court of law and the military tribunals.

The bad management, vacillation, and incompetency of the officers of the Government having charge of the draft, the inherent defects of the system, have stopped volunteering, and made high bounties necessary, although the country has, according to the best authority, more men in it fit for duty to-day than when the war began.

There is no want of men to fill the Army; but there is no sympathy in the hearts of the people with the reckless and wicked system by which the enlistments are made and the war conducted. The apathy of the people is a rebuke to the Administration. It is a political Nemesis pursuing a party which has insulted a devoted and eager nation by fastening on it a conscript law in violation of every instinct of a free representative Government. The curse which ever follows cruelty and tyranny is close upon this Administration. The thousands of brave men butchered in the Wilderness are now needed to take the field for an onward march. The Wilderness refuses to give up its

dead; the living are loth to perish in the Wilderness; each man would sacrifice his neighbor as a scape-goat in this tribute of blood. The people of the North who protested so often and so vainly against the violations of the Constitution by the party in power; the Democratic masses who dared to rebuke the mad career of the majority by sending a strong opposition to Congress, are now soon to be forced into the Army to sustain those who never ceased reviling them as traitors and as sympathizers with the enemy they are invited to fight. Why do you trust your cause to men you deem traitors? Why do you call on the people of New York city to sustain this Administration by its quota? Is there not danger that the Army made up of such men as you say they are will turn on you? Why does the United States recruit among men whom their whole policy has exasperated and insulted, and who have been robbed, kidnapped, and imprisoned at will by taxation, conscription, and arbitrary arrests? Are you afraid to take the field yourselves, that you intrust the cause of emancipation and the honor of your country to men whom you daily accuse of treason?

Can this Administration complain that the people do not enlist as volunteers? Certainly not. When they offered their services to the country they were ordered back with a threat that a draft would supply the soldiers needed for this war by this Administration. The draft is the result of our policy; bounty-swindling is the result of the draft. It rests like a pestilential cloud over the whole nation, forbidding corruption, usurpation, and crime—corruption of the people, usurpation by the Executive, crime by the despicable tools who hunt for substitutes and trade in the lives of their fellow-men. Fellow-men! No, sir; such creatures have no fellows save fiends and vipers. The pirate who scuttles a ship at sea, steals the cargo, and kills the crew, or sends them to the bottom with the ship; the murderer who calmly plans his crime while enjoying the hospitality of his victim; the wretch who fires the house of the unwary citizen whose doors were opened in a spirit of charity to a seeming wanderer; the false friend who lures a confiding soul to ruin, are the fit companions of those who live by this trade in human flesh—"the sum of all villainies."

Sir, in view of the depraved, dangerous, and unjust character of this system, the natural result of the enrollment acts passed by this House, it is not unreasonable to suppose that some broad, sound and patriotic reason would have been advanced in extenuation of this amendment to the existing law. Perhaps the chairman of the Committee on Military Affairs has some most excellent argument in reserve. Up to this date Congress and the country have been kept in the dark as to the course to be

followed in regard to the new call of the President. Up to a few days since it was officially announced that the quota of the city of New York would amount to four thousand four hundred and thirty-three men as originally called for. Now, by a juggle in the war office and a ukase from the Provost Marshal General, we have been ordered to furnish twenty-one thousand men in a few weeks from this date. Since then, without due explanation, but on the "*ipse dixit*" of the Secretary of War, another change has been made. Tomorrow we may have another decree fixing another quota, and that, after the large and repeated calls for troops from that devoted city during this war.

The speculators in human flesh throng to New York city from all sections to outbid one another in the market furnished by immigration and created by conscription. In self-defence, to meet the exigencies of the case, and if possible make good out of evil, our local board of supervisors, made up equally of both political parties, have organized a committee who regulate the matter as far as lies in their power, at once protecting the poor victim of this law, and regulating the nefarious traffic by a reasonable standard. The plague has been introduced by the party in power here, who should have protected us, and from whom there is no appeal; in despair from its ravages we have inculcated those in our midst, willing to suffer, that the whole body-politic may not be corrupted and then sacrificed in their defenceless ignorance.

The same evil exists in every congressional district, in every town and city of the country. The memorial of the mayor of Philadelphia and others, members of the Loyal League of that city, is a complete and forcible appeal in behalf of decency, humanity, and justice, against this system. The Legislature of Rhode Island has petitioned for a delay of the new draft. A commission from the Legislature of Pennsylvania has asked for mercy from the Executive under this cruel law. The whole nation will soon raise a hue and cry against the perpetrators, aiders, abettors, and originators of the nefarious scheme, or sink itself under the odium of its complicity with crimes Christianity forbids and virtue detests, and live on demoralized and disgraced before the world. The military system of the State is rotten, and if borne with longer, threatens to convert the whole country into one mass of moral and political decay. It would be unjust to the military system which has grown so big and dangerous to its supporters under the enrollment act, were we to dismiss this subject without alluding to a change which has come over the spirit of its dream since the rebellion first broke out. I refer to those who reap the profit which war bestows; not to the honest and brave soldiers in the ranks, nor to the skillful

and pure-minded officers who have led them over hard-won fields to final victory.

The object of this war has, in the minds of a certain class of soldiers, apparently undergone a thorough revolution, a revolution within a revolution, a wheel within a wheel. To their minds the war has been perverted from the direction given it by the pure principles of patriotism which first moved the people to rescue our flag from threatened dishonor. Speculation, political ambition, party rivalry, and personal jealousy have wrought a baneful and wide-spread influence in our councils and in our camps. The maddest fanatics have become fat nabobs, princely scions of the royal tree of cotton. Battles have been won and lost around the sacred precincts where lies in state the silver-haired King Cotton, who is torn piecemeal like another Priam in another Troy wrapped in flames, and perishes amid his liegés at the altar of Mammon. His baneful influence extends through the thick padding of a well-stuffed uniform and penetrates to the inner chords of the heart of these commercial heroes who pass within gunshot of a plantation. Sugar, too, has shed its sweet influence over the stern usages of war; and generals who were blind to the blandishments and deaf to the prayers of their captives, and fierce in denunciation of traitors, have quelled the spirit of strife in obedience to the law of trade. Gold, the love of which is a root, has met with deep sympathy from the radicals, as its yellow face grinned through the bars of iron-proof safes with such winsomeness that the severest virtue has been induced to jeopardize honor, fame, and military rank, not in covetousness—oh, no! nor with intent of felony, but for the bare satisfaction of fingering the precious stuff to soothe an itching palm for a year or so, in trust.

The war necessity which once existed for the draft, according to the case made up by this Administration, sleeps, and no longer rings its steel chime as a knell to our suspended Constitution, the first and noblest victim to its rage. Commercial necessity and financial necessity now chant a requiem over the fallen currency and crippled credit of the country, both "*in extremis*," moribund of superficial fanaticism and internal corruption. The plea—cruel, tyrannical, overwhelming—of military necessity is gone as an argument from this Administration, and I hope this place will know it no more. With it should disappear the whole superstructure of draft, confiscation, arbitrary arrests, and the executive nebulae of proclamations which have so streaked the sky that the stars and stripes can scarcely be distinguished. It is now time to set the military system of the country free forever from this plea of necessity. Limit the exploits of our generals to the legitimate trade of war and we will not need the repeated calls for drafts.

Limit our military expeditions to conquering the armies and taking the forts—Fisher and others like it; forbid and punish wild-geese chases almost to the sources of the Red river after cotton, and we will not need cruel laws to enforce enrollment. We then may dispense with the bounty swindler, together with the cotton speculator, the gold robber, and the dealer in permits to trade with the rebels, all at one fell swoop. Stop supplying the enemy with the sinews of war by the million, and then we may listen patiently to the President's call for three hundred thousand more loyal hearts, to be plucked from the bosom of society by the ruthless hand of an irresponsible provost marshal, through an order from the War Department, under the pretext of military necessity.

Yet the gentleman from Ohio says that while he gives all these powers to the Provost Marshal General, and makes him superintendent of bounty swindling in this country, *eo nomine*, he will not assail this organized system of crime, this outrage against humanity! Yet day by day the majority in this House confiscate property; they trample upon the rights of citizens of both sections of the country, under the miserable plea of false philanthropy. Such philanthropy is a falsehood on its face.

Mr. SCHENCK. I move that debate be closed on this section.

The motion was agreed to.

FEB. 23, 1865.

ENROLLMENT BILL—AGAIN.

The Clerk read, as follows:

SEC. 11. *And be it further enacted*, That in addition to the other lawful penalties of the crime of desertion from the military or naval service, all persons who have deserted the military or naval service of the United States, who shall not return to said service or report themselves to a provost marshal within sixty days after the passage of this act, shall be deemed and taken to have voluntarily relinquished and forfeited their rights of citizenship and their rights to become citizens; and such deserters shall be forever incapable of holding any office of trust or profit under the United States, or of exercising any of the rights of citizens thereof, and all persons who shall hereafter desert the military or naval service, and all persons who, being duly enrolled, shall depart the jurisdiction and go beyond the limits of the United States, with intent to avoid any draft into the military or naval service duly ordered, shall be liable to the penalties of this section. And the President is hereby authorized and required forthwith, on the passage of this act, to issue his proclamation setting forth the provisions of this section.

Mr. CHANLER. I move to amend the amendment by striking out the last word. My object in rising is to draw the attention of the House, for the fourth time under this bill, to the provision that all who shall not return to said service, or report themselves to a provost marshal within sixty days after the passage of this act, shall be deemed and taken to have voluntarily relinquished and forfeited their rights of citizenship and their rights to become citizens; and that such deserters shall be forever incapable of holding any office of trust or profit un-

der the United States, or of exercising any of the rights of citizens thereof. While I am willing to unite with the chairman of the Military Committee in punishing deserters and in enrolling into the Army of the United States all competent and true men, I certainly deem it a legitimate question of debate—without rendering ourselves liable to the charge of disloyalty—as to the propriety or impropriety of the provision of this section which makes it the law that by a non-observance of the obligations to which I have referred, a citizen shall be held to forfeit all his rights under the law as a citizen. This bill and the debate under it have brought into issue the question of the loyalty of members upon this floor. It has given rise to a serious question in the mind of every man who has taken his oath to maintain the Constitution, and all these questions centre upon the personal responsibility of each member; and it does not become one on either side of the House to charge another with dereliction of duty for conscientiously debating this bill.

Now, sir, the Democratic party stands here to-day, Cassandra-like, raising its unavailing, sad voice against the introduction of this bill, containing within its fatal ribs the armed enemies of this Government, and its existence as a republic and a free Government upon this continent.

Gentlemen upon the other side of the House have risen in their places and represented to the Committee on Military Affairs that this bill is dangerous to the safety of the State. We charge that with this section, and the lines just read prove it, this bill tends to violate the most sacred rights of every citizen throughout the country.

But, sir, there are other points in this connection. What is the necessity for this stringent measure? Until the chairman of the Committee on Military Affairs shall have advanced to an argument more cogent than that of limiting debate to prove that this is a good enactment, he, of all men, has the least right to rise here and denounce those who debate the bill. Why has not the Secretary of War reported, as his duty was, to this House with regard to the condition of the armies in the field? We are in the dark with regard to the whole matter of the conduct of this war. Why has not the committee on the conduct of the war reported to the House, and laid before us the necessity for this law?

Mr. SCHENCK. I think this matter is sufficiently well understood, and I propose to move to stop debate upon this section. Before I do so, however, I must insist upon setting gentlemen right in regard to one particular matter, for I do not mean to be misapprehended. I have made no general charge of disloyalty that should call gentlemen to their feet.

Mr. CHANLER. I move to add the following:

That so much of all acts or parts of acts entitled acts to regulate and provide for enrolling and calling out the national forces, and for other purposes, as authorize the President of the United States to raise troops by conscription, be and hereby are repealed; and that all acts and parts of acts inconsistent with this section be and the same are hereby repealed.

Mr. Speaker, my object in offering this is to give an opportunity to those upon this floor who conscientiously and earnestly believe the whole system of a draft is contrary to the spirit of our institutions, and opposed to the welfare of our people, to place their vote upon record. I deem it a great privilege, with those who agree with me, to say to the people of the country that we adhere to the military system under which our liberties were won, and that we are unwilling to fall away from it and the precedents of the American Government, to establish the European system of raising troops and organizing armies in the midst of a civil war. Our recent victories show that the armies of the rebellion, raised by conscription, are fleeing everywhere before our troops who were raised by volunteering. Why should we, imitating those who have rebelled against the Government of the United States and inaugurated a system of conscription, adopt a similar law and impose it upon the loyal and devoted people of this country, who have responded to every call of the Government thus far, and exposed themselves and offered their fortunes for the protection of the Union?

If the signs of the times do not mislead us, the rebel hosts have been scattered, and the arch-conspirator who drew them after him in rebellion against the highest earthly power, the people of this country, is about being hurled from his bad eminence, overthrown by our veteran volunteers and their skillful commanders. A conflict is raging among the stars which emblazon the southern half of our political horizon. That ruling spirit which they called from his high station here to hold them in harmony by his genius is stealing them one by one from their eccentric orbits to adorn the seat of his power as the centre of a new system. Whether by force supernal or infernal he may achieve this mighty wrong we know not. The supreme power may be snatched from a portion of our people, and the sovereignty of our States may glitter in the southern cross above the throne of a despot. If

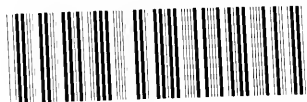
so it is to be, those who withdrew from our councils and our fellowship with proud looks and bloody hands, must cower before the artificial blaze of light which shall burst from that throne, and, bowing their prostrate forms before their tyrant, yearn for the calm and peaceful effulgence which once fell with universal blessing on the remotest section of this Union. With this warning sent to us from the very field of battle, are we not unwise and heedless of the dangers actually surrounding the Constitution and the Union by continuing this conscription bill among our laws? Can we hope to escape the consequences inseparable from an undue military power in the hands of one man and his partisans? Are we prepared to surrender the civil and religious rights of every citizen of this country to the almost Turkish justice of a military tribunal?

But suppose, as we have good reason to hope, that our rebellious brothers reunite with us again in national council for the restoration of the Union as it was. Suppose that they unite their force with our armies and bear their banner and their cross, token of suffering and betrayal, against the new emperor whose audacious throne is already fixed upon a continent proclaimed free, and, under God, sacred to the sovereignty of the people alone. Against him, united in battle, we may hope forever to sustain unbroken and untarnished the bright shield of our Union as it ever before gleamed in triumph against the despotic principles of feudalism and vassalage, until this whole boundless continent be ours. If this comes to pass, and our people arm themselves again for war, does any man dream that a conscription will be needed? The past history of this crisis has shown it to have been unnecessary; at present it is useless and worse than unnecessary, it is corrupt. Let the enrollment law be now repealed.

I see no reason for debating this subject further. I do not wish to continue to draw upon the passions of the gentleman from Ohio, the chairman of the Committee on Military Affairs, [Mr. SCHENCK.] I submit the matter to the consideration of the House with a perfect reliance in the propriety of my action in voting against this bill, and am ready to abide by the judgment which may be passed upon its merits by the country.

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